

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6465

BILL NUMBER: SB 110

NOTE PREPARED: Dec 9, 2010

BILL AMENDED:

SUBJECT: Voyeurism.

FIRST AUTHOR: Sen. Yoder

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill makes peeping up or under another person's clothing a Class B misdemeanor.

It enhances the penalty for voyeurism to a Class C felony if the victim is less than 16 years of age, and provides a defense to the Class C felony enhancement if the defendant reasonably believed that the person was at least 16 years of age.

Effective Date: July 1, 2011.

Explanation of State Expenditures: *Summary:* The bill could increase fine revenues by adding a person who peeps up or under another person's clothing to the elements of voyeurism, a Class B misdemeanor. Also, if offenders commit voyeurism against a victim less than 16 years of age, costs of incarceration could increase because the penalty is enhanced to a Class C felony. There are no data available to indicate the number of offenders to whom these new or enhanced penalties may apply.

Class C Felony: A Class C felony is punishable by a prison term ranging from 2 to 8 years, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$19,307 in FY 2010. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$68,260 in FY 2010. The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately two years.

Explanation of State Revenues: *Class C Felony and Class B Misdemeanor:* If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class C felony is \$10,000, and the maximum fine for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: *Class C Felony and Class B Misdemeanor:* If more defendants are detained in county jails prior to their felony court hearings or sentenced to a term of incarceration of up to 180 days in jail for a Class B misdemeanor, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: *Class C Felony and Class B Misdemeanor:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

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